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2 **Minutes of the New Bern Planning & Zoning Board**  
3 **March 5, 2013**  
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5 The regularly scheduled meeting of the New Bern Planning & Zoning Board was held in the City  
6 Hall Courtroom, 300 Pollock Street, on Monday, March 5, 2013 at 6:30 PM.

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8 **Members present:** Mr. Tim Tabak, Chair  
9 Mr. Kenneth Peregoy, Vice-Chair  
10 Ms. Stevie Bennett  
11 Mr. Jimmy Dillahunt  
12 Ms. Tiffany Dove  
13 Mr. Patrick McCullough  
14 Mr. Bill Stamm  
15 Ms. Velda Whitfield  
16 Ms. Dorothea White  
17 Mr. Paul Yaeger  
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19 **Members absent:** None

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21 **Members Excused:** None

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23 **Staff present:** Mr. Bernard George, AICP  
24 Planning Division Manager  
25  
26 Mr. Kevin Robinson, AICP  
27 City Planner  
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29 Chairman Tabak called the meeting to order. Roll call was taken and a quorum declared.  
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31 **Prayer:** A prayer for guidance was given by Mr. George.  
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33 **Minutes:** Minutes from the February 5, 2013 meeting were discussed. Vice-Chair Peregoy  
34 motioned for the minutes to be approved, with a date correction. Motion was  
35 seconded by Ms. Velda Whitfield. Minutes were approved.  
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38 **New Business**  
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40 **A. Consideration of a revised subdivision general plan of Rivershore, a proposed 72.40**  
41 **acre, 54-lot residential planned unit development (PUD). (Due to permitting issues, the**  
42 **developer has requested that consideration of the revised General Plan is tabled to the**  
43 **April 2, 2013 meeting.)**  
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46 **Staff Comments:** Mr. George advised the Board that the applicant requested the application be  
47 tabled. Mr. George informed the Board that the Rivershore Development is a proposed 72.4-acre,  
48 54 lot residential plan unit development. This development's general plan was approved in June  
49 2012, but did not include lots along Riverside Drive. The developer is currently obtaining state  
50 and federal permits for developing additional lots there. According to a letter in the packet  
51 advised of recent changes in water quality requirements, the developer and engineers are  
52 modifying the plan, and will present to the Board at the April 2, 2013 meeting. Staff requests the  
53 Board table consideration to the April meeting.

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55 **Motion:** Board member Stevie Bennett motioned to approve the request to table this item until  
56 the April 2, 2013 meeting. Vice-chair Perego seconded the motion. Motion was approved by  
57 unanimous vote.  
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60 **B. Consideration of a request by the City of New Bern to amend Article II: "Definitions"**  
61 **Section 15-15 (37) of Appendix A "Land Use" of the Code of Ordinance of the City of New**  
62 **Bern.**

63  
64 **Staff Comments:** Staff member Bernard George explained the text amendment being  
65 considered for approval. Mr. George stated the proposed amendment seeks to further define the  
66 status of tenants living in a single family unit and to limit the number of unrelated occupants  
67 leasing or sub-leasing a rental unit. The Minimum Housing Section has received several  
68 complaints, requiring staff to determine who and how occupants were living within a single  
69 family unit. There are several factors that staff considers when determining if occupants are in  
70 violation of minimum housing and zoning codes.  
71

72 Mr. George read the current definition of "Family" in Section 15-15 (37), providing additional  
73 explanation to the Board. Mr. George advised the problems that staff has been facing are greater  
74 than the allowable number of people living within one single family unit. He provided the Board  
75 a list of objective factors and discussed the process that staff follows to identify violations of the  
76 ordinance. He noted the City Attorney has drafted an ordinance that further defines and clarifies  
77 the term "family". This will assist staff in the investigation of violations and will provide clear  
78 guidelines to the general public.  
79  
80

81 **Board Comments:**

82 Board member Stevie Bennett voiced concerns with apartments and the families living there,  
83 wondering if all residing family members must be on the lease. Mr. George advised a lease is a  
84 private contract. Some landlords require all residents to be included on a written lease and some  
85 do not. That is up to each landlord to decide.  
86

87 Board member Stevie Bennett noted that the allowable number of residents is based on the  
88 square footage of each unit. Mr. George agreed. Ms. Bennett questioned who controls this. Mr.  
89 George advised the City's Inspections Division enforces minimum housing requirements and  
90 state building code requirements.  
91

92 The difference between rental units and boarding houses was discussed.

93

94 Ms. Whitfield asked for clarification on “families residing in family care home” verbiage in the  
95 definition. Mr. George explained the current ordinance requires those living together be related.  
96 In a family care home, there may be individuals living together who are not related. This  
97 federally protected “Fair Housing” exception provides an opportunity for disabled persons or  
98 those living in group homes to live in a residential setting.

99

100 Ms. White asked a question pertaining to the amendment, and the eight criteria listed. If even  
101 one of the criteria was not met, would that disallow the ordinance? Mr. George advised that was  
102 not the case. One factor alone would not be the sole basis of a determination. However, should  
103 the majority of the factors be violated, then the individuals could be considered out of  
104 compliance.

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106 Additional variations on the requirements were discussed, as were similar issues recently  
107 addressed in Greenville.

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109 **Motion:** Vice-Chair Kip Peregoy motioned to recommend to the Board of Aldermen the  
110 amendment to the Land Use Ordinance, as set forth in the attachments received, Section 15-15.  
111 Ms. White seconded the motion. Motion was approved by unanimous vote.

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113 At Chair Tabak’s request, Mr. George advised the public that there is a vacancy on the Board of  
114 Adjustment representing the City’s ETJ area: Rivershore, Sandy Point, and Rocky Run areas.  
115 Interested citizens from those areas with some knowledge of development, real estate,  
116 construction or law were asked to contact Development Services Department for further  
117 information.

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119 There being no further business, the meeting was adjourned.

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Tim Tabak, Chairman

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Bernard George, AICP, Secretary